

APPENDIX

Sent to Governor
(March 17, 1981)

S.B. 17

THIRTY-EIGHTH DAY
(Wednesday, March 18, 1981)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President Pro Tempore, Senator Traeger.

The roll was called and the following Senators were present: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

A quorum was announced present.

The Reverend Dr. Browning Ware, First Baptist Church, Austin, offered the invocation as follows:

Help all of us today, God, to call Thee Father so that we can then call all persons brothers and sisters. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE

House Chamber
March 18, 1981

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 268, Relating to cooperative agreements for the purchase of goods and services by local governments.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

CO-AUTHOR OF SENATE BILL 141

On motion of Senator Mengden and by unanimous consent, Senator Doggett will be shown as Co-author of S.B. 141.

CO-AUTHOR OF SENATE BILL 315

On motion of Senator Wilson and by unanimous consent, Senator Sarpalius will be shown as Co-author of S.B. 315.

CO-AUTHOR OF SENATE BILL 456

On motion of Senator Parker and by unanimous consent, Senator Sarpalius will be shown as Co-author of S.B. 456.

CO-AUTHOR OF SENATE BILL 750

On motion of Senator Brooks and by unanimous consent, Senator Harris will be shown as Co-author of S.B. 750.

CO-AUTHOR OF SENATE BILL 963

On motion of Senator Williams and by unanimous consent, Senator Andujar will be shown as Co-author of S.B. 963.

CO-AUTHOR OF SENATE BILL 981

On motion of Senator Williams and by unanimous consent, Senator Andujar will be shown as Co-author of S.B. 981.

CO-AUTHOR OF SENATE BILL 1070

On motion of Senator Williams and by unanimous consent, Senator Andujar will be shown as Co-author of S.B. 1070.

REPORTS OF STANDING COMMITTEES

Senator Mauzy submitted the following report for the Committee on Jurisprudence:

S.B. 195
S.B. 836
S.J.R. 31
C.S.S.B. 725 (Read first time)
C.S.S.B. 317 (Read first time)
C.S.S.B. 224 (Read first time)
C.S.S.B. 611 (Read first time)
C.S.S.B. 253 (Read first time)

Senator Jones submitted the following report for the Committee on Finance:

H.B. 511
H.B. 1341

Senator Traeger submitted the following report for the Committee on Intergovernmental Relations:

S.B. 816
S.B. 485
C.S.S.B. 483 (Read first time)

Senator Snelson submitted the following report for the Committee on Education:

H.B. 354
C.S.S.B. 169 (Read first time)

Senator McKnight submitted the following report for the Subcommittee on Nominations:

We, your Subcommittee on Nominations, to which were referred the following appointments, have had same under consideration, and beg to report them back to the Senate for final consideration.

To be a Member of the TEXAS EMPLOYMENT COMMISSION: Richard C. Mellado, El Paso County.

To be COMMISSIONER OF LABOR AND STANDARDS: Lias Brown Steen, DeWitt County.

To be Members of the STATE HIGHWAY AND PUBLIC TRANSPORTATION COMMISSION: John R. Butler, Jr., Harris County; Robert H. Dedman, Dallas County.

To be JUDGE OF THE 165TH JUDICIAL DISTRICT: *Lynn N. Hughes, Harris County.

To be JUDGE OF THE 107TH JUDICIAL DISTRICT: *George William Storter, Cameron County.

To be JUDGE OF THE 131ST JUDICIAL DISTRICT: *Jack B. Sims, Bexar County.

To be JUDGE OF THE 60TH JUDICIAL DISTRICT: *Robert J. Wortham, Jefferson County.

To be JUDGE OF THE 90TH JUDICIAL DISTRICT: *Donald L. Sweatt, Young County.

To be JUDGE OF THE 97TH JUDICIAL DISTRICT: *Clyde E. Whiteside, Montague County.

To be ASSOCIATE JUSTICE OF THE COURT OF CIVIL APPEALS OF THE THIRD SUPREME JUDICIAL DISTRICT: *Robert Owen Smith, Travis County.

To be JUDGE OF THE 187TH JUDICIAL DISTRICT: *Edward Charles Prado, Bexar County.

To be DISTRICT ATTORNEY OF THE 29TH JUDICIAL DISTRICT: *R. Wayne Hughes, Jr., Hood County.

To be JUDGE OF THE 56TH JUDICIAL DISTRICT: *Charles B. Smith, Galveston, Texas.

To be ASSOCIATE JUSTICE OF THE SUPREME COURT OF TEXAS: *William L. Garwood, Travis County.

To be DISTRICT ATTORNEY OF THE 97TH JUDICIAL DISTRICT: *William Gregg Paul, Clay County.

To be JUDGE OF THE NEWLY-CREATED COUNTY COURT AT LAW OF MEDINA COUNTY: *Joe E. Briscoe, Medina County.

To be Members of the TEXAS GUARANTEED STUDENT LOAN CORPORATION: Mrs. Shirley M. Binder, Travis County; Gary W. Bruner, Tarrant County.

To be PECOS RIVER COMPACT COMMISSIONER: Larry A. Vick, Harris County.

To be PRESIDING JUDGE OF THE THIRD ADMINISTRATIVE JUDICIAL DISTRICT: Herman Jones, Travis County.

(* no longer serving in this position)

SENATE BILLS ON FIRST READING

On motion of Senator Brooks and by unanimous consent, the following bills were introduced, read first time and referred to the Committee indicated:

S.B. 1123 by Snelson Human Resources
Relating to regulation of frozen dessert manufacturers; providing penalties.

S.B. 1124 by Snelson Finance
Relating to the accrual of state leave and longevity pay for certain state employees previously employed by a school district, junior college district, or regional education service center.

S.B. 1126 by Mauzy State Affairs
Relating to the procedure for verifying voters' signatures on carrier envelopes for absentee ballots voted by mail.

SENATE RESOLUTION 380

Senator Doggett offered the following resolution:

S.R. 380, Congratulating the participants in the 1980-81 Leadership Austin program, a project of the Austin Chamber of Commerce.

The resolution was read and was adopted.

GUESTS PRESENTED

Senator Doggett was recognized and introduced a group of the Leadership Austin program to the Members of the Senate.

HOUSE CONCURRENT RESOLUTION 57

Senator Brown offered the following resolution:

WHEREAS, Noted for his devotion to the state's coastal areas and his loyalty to liberal causes, former state senator A. R. (Babe) Schwartz served for 25 years in the Texas Legislature; and

WHEREAS, Skilled in the use of parliamentary procedures, this Galveston native was the successful sponsor of important environmental and consumer protection measures, and he played a major role in both the appropriations and sunset processes; and

WHEREAS, The son of immigrant parents, he started work selling newspapers when he was 11 years old; he attended Texas A & M University on G.I. benefits following his service in the Navy and then was awarded a law degree from The University of Texas in 1951; and

WHEREAS, The young lawyer started his political career in 1954 when he was elected to the Texas House of Representatives, and throughout his terms of office he worked consistently to alleviate problems of underprivileged members of this society; and

WHEREAS, He was elected to the Texas Senate in 1960, and he has served as chairman of the Senate Jurisprudence Committee, the Senate Natural Resources Committee, and the Texas Coastal and Marine Council; and

WHEREAS, Honored for work in human relations, on behalf of the handicapped, and in making more activities of the Senate open to the public, Senator Schwartz was also chosen as one of Texas Monthly's 10 best lawmakers each of the four times that the magazine has prepared its list; and

WHEREAS, Senator Babe Schwartz is an outstanding public servant and his ready wit, heartfelt orations, and fierce advocacy have contributed greatly to the atmosphere and accomplishments of the Texas Senate; now, therefore, be it

RESOLVED by the House of Representatives of the State of Texas, the Senate concurring, That the 67th Legislature commend the Honorable A. R. Schwartz for his dedicated and invaluable service to the Texas Legislature and to the people of this state; and, be it further

RESOLVED, That an official copy of this resolution be prepared for Senator Schwartz as an expression of esteem and best wishes from the members of the Texas Legislature.

The resolution was read and was adopted.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Subcommittee on Nominations:

Austin, Texas
March 18, 1981

TO THE SENATE OF THE SIXTY-SEVENTH LEGISLATURE, REGULAR
SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE BOARD OF REGENTS OF THE TEXAS STATE UNIVERSITY SYSTEM:

For a six-year term to expire January 10, 1987:

JOHN S. CARGILE of San Angelo, Tom Green County, is being reappointed.

BERNARD G. JOHNSON of Houston, Harris County, is being reappointed.

W. C. PERRY, Ed.D. of Waco, McLennan County, is replacing Mrs. Harry Hornby, Jr. of Uvalde, Uvalde County, whose term expired.

TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NUECES RIVER AUTHORITY:

For a six-year term to expire February 1, 1987:

HARRY J. SCHULZ of Three Rivers, Live Oak County, is being reappointed.

TO BE A MEMBER OF THE TEXAS INDUSTRIAL COMMISSION:

For a six-year term to expire February 15, 1987:

HECTOR GUTIERREZ, JR. of Fort Worth, Tarrant County, is being reappointed.

TO BE A MEMBER OF THE TEXAS BOARD OF HEALTH:

For a six-year term to expire February 1, 1987:

JOAQUIN GONZALES CIGARROA, JR. of Laredo, Webb County, is replacing Dr. Ramiro R. Casso of McAllen, Hidalgo County, whose term expired. (representing physicians)

Respectfully submitted,

William P. Clements, Jr.
Governor of Texas

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Andujar gave notice that she would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

(Senator Brooks in Chair)

FLOOR PRIVILEGES GRANTED

On motion of Senator Traeger and by unanimous consent, permission was granted to Mr. F. Newton Millen, Attorney, State Department of Health to sit at Senator Traeger's desk during discussion of S.B. 480.

SENATE BILL 480 WITH HOUSE AMENDMENTS

Senator Traeger called S.B. 480 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Committee Amendment No. 1 - Turner

Amend S.B. 480 by adding a new subsection (h) to Section 6B on page 19 to read as follows:

- (h) No license for disposal or processing shall be granted for a site which:
- (1) is in a flood hazard zone lying below the level of the maximum credible flood event, or
 - (2) is on a recharge or discharge zone for any known or potential groundwater aquifer system or
 - (3) is on soils where a spill could rapidly enter the geologic system and be dispersed in such a manner so that complete clean-up would be difficult if not impossible, including:
 - A) soils with a clay content of less than 20 percent or greater than 42 percent,
 - B) soils with greater than 25 percent rock fragments larger than 2 mm,
 - C) soils with a coefficient of linear extensibility of greater than .04,
 - D) soils with a permeability rate greater than 0.6 inch per hour in the native state,
 - E) soils with an erodibility "K" factor at the surface of greater than .32,
 - or
 - F) soils through which lateral movement of water contributes to stream flow.

Floor Amendment No. 1 - Turner

Amend S.B. 480 as follows:

- (1) On page 16, line 1, add a new Subdivision (7) to read as follows:
- (7) In adopting rules for the issuance of licenses for new sites for processing or disposal of radioactive waste from other persons, the Agency shall adopt criteria for the designation of unsuitable sites, including but not limited to:
- (A) flood hazard areas;
 - (B) areas with characteristics of discharge from or recharge of any groundwater aquifer systems; or
 - (C) areas where soil conditions are such that spill cleanup would be impracticable.
- Under this Subdivision, the Agency shall consult with the State Soil and Water Conservation Board, the Bureau of Economic Geology, and other appropriate State agencies in the development of proposed rules and shall issue rules that:
- (A) require selection of sites in areas where natural conditions minimize potential contamination of surface water and groundwater; and
 - (B) prohibit issuance of licenses for unsuitable sites as defined by the rules of the Agency.
- (2) On page 16, renumber Subdivisions (7) and (8) as Subdivisions (8) and (9).

Floor Amendment No. 2 - Agnich

Amend S.B. 480 as follows:

on Page 6 line 20 delete the word "may" and substitute the word "will" in lieu thereof.

The amendments were read.

Senator Traeger moved to concur in the House amendments.

The motion prevailed by the following vote: Yeas 28, Nays 3.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Glasgow, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams.

Nays: Mengden, Ogg, Wilson.

SENATE BILL 651 ON SECOND READING

On motion of Senator Ogg and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 651, Relating to the authority of certain municipal courts to conduct proceedings outside of the corporate limits of the municipality.

The bill was read second time and was passed to engrossment.

SENATE BILL 651 ON THIRD READING

Senator Ogg moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 651** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Harris, Howard, Jones, Kothmann, Leedom, Mauzy, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Glasgow.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 434 ON SECOND READING

Senator Williams asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 434, Relating to special license plates for members of the Texas National Guard and the Texas State Guard.

There was objection.

Senator Williams then moved to suspend the regular order of business and take up **C.S.S.B. 434** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Harris, Kothmann, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Glasgow, Howard, Jones, Leedom, Mauzy.

The bill was read second time.

Senator Leedom offered the following amendment to the bill:

Amend C.S.S.B. 434 by adding the words "and ten dollars" between the words "annual registration fee" and "prescribed by law" in Section 5e.3(c).

The amendment was read and failed of adoption by the following vote: Yeas 13, Nays 18.

Yeas: Andujar, Blake, Glasgow, Harris, Howard, Jones, Leedom, Meier, Mengden, Richards, Sarpalius, Travis, Wilson.

Nays: Brooks, Brown, Caperton, Doggett, Farabee, Kothmann, Mauzy, McKnight, Ogg, Parker, Santiesteban, Short, Snelson, Traeger, Truan, Uribe, Vale, Williams.

The bill was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 434 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 434 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 5.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Harris, Kothmann, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Glasgow, Howard, Jones, Leedom, Mauzy.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 4.

Yeas: Andujar, Blake, Brooks, Brown, Caperton, Doggett, Farabee, Harris, Kothmann, Leedom, McKnight, Meier, Mengden, Ogg, Parker, Richards, Santiesteban, Sarpalius, Short, Snelson, Traeger, Travis, Truan, Uribe, Vale, Williams, Wilson.

Nays: Glasgow, Howard, Jones, Mauzy.

COMMITTEE SUBSTITUTE SENATE BILL 918 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 918, Relating to elimination of duplicate citations in certain provisions of the Insurance Code.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 918 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 918** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 363 - By Wilson: Extending congratulations to Lillie Jaster.

S.R. 364 - By Wilson: Extending congratulations to Sallie Stewart.

S.R. 365 - By Wilson: Extending congratulations to Mr. and Mrs. Herman Kurtz.

S.R. 366 - By Wilson: Extending congratulations to Mr. and Mrs. Adolph Fajkus, Sr.

S.R. 367 - By Wilson: Extending congratulations to Mr. and Mrs. Edwin Gebert.

S.R. 368 - By Wilson: Extending congratulations to Mr. and Mrs. Albert W. Sanders.

S.R. 369 - By Wilson: Extending congratulations to Mr. and Mrs. Albert Hyzak.

S.R. 370 - By Wilson: Extending congratulations to Mr. and Mrs. Anton Kalich.

S.R. 371 - By Wilson: Extending congratulations to Mr. and Mrs. Henry Miksch, Sr.

S.R. 372 - By Wilson: Extending congratulations to Mr. and Mrs. Calvin Odis Lovorn.

S.R. 373 - By Wilson: Extending congratulations to Mr. and Mrs. Joe Jarolik.

S.R. 374 - By Wilson: Extending congratulations to Mr. and Mrs. Otto S. Nelson.

S.R. 375 - By Andujar: Commending William A. and Elizabeth B. Moncrief for their exceptional generosity and public spirit.

S.R. 376 - By Vale: Extending welcome to freshman students in Texas government at St. Mary's University.

S.R. 377 - By Doggett: Commending Dr. Donna Reeves.

S.R. 378 - By Doggett: Commending Margaret Adey.

S.R. 379 - By Sarpalius: Extending welcome to Mark Alan Reynolds, "Honorary Page" for the Senate.

S.R. 381 - By Caperton: Extending welcome to visiting members of Grandpersons Center from Huntsville.

RECESS

On motion of Senator Snelson the Senate at 12:11 o'clock p.m. took recess until 8:30 o'clock a.m. tomorrow.

APPENDIX

Signed by Governor
(March 16, 1981)

S.C.R. 49
S.C.R. 51
S.C.R. 58

(March 17, 1981)

H.C.R. 66
H.C.R. 68
H.C.R. 84
H.C.R. 91
H.C.R. 96
H.C.R. 97
H.C.R. 100
H.C.R. 101
H.C.R. 102
H.C.R. 103
H.C.R. 104